

**New Shoreham Town Council Meeting**  
**Town Hall, Old Town Road, Block Island RI**  
**Wednesday, October 21, 2009**  
**7:00 p.m.**

**Present:** First Warden Kimberley H. Gaffett, Second Warden Raymond J. Torrey, Town Councilor Peter B. Baute, Town Councilor Kenneth C. Lacoste and Town Councilor Richard P. Martin. Also present were Town Manager Nancy O. Dodge and Town Planner Jane Weidman. Town Clerk Fiona Fitzpatrick was present to take the minutes of the meeting. Approximately 65 members of the public attended the meeting.

**Call to Order:** First Warden Gaffett called the meeting to order at 7:00.

**Warden's Report:** First Warden Gaffett reminded those present that there will be a Special Financial Town Meeting on November 4, 2009 for funding for Old Harbor Dock. An Open House will be held at the Old Harbor Dock this Saturday morning at 10:00. The project will be explained and questions answered.

**Public Hearing Continued from September 16, 2009:**

Proposed amendment to consider changes to New Shoreham Zoning Ordinance Article 1, Section 113 (Non-Conformance) to add new subsections 113 E 2 (a) through (f), to amend Section 306 C (Residential A Zone/Dimensional Standards), to amend Section 307 C (Residential B Zone/Dimensional Standards) and to amend Section 705 B (Modification Permits/Standards) and to change "Zoning Officer" to "Building Official" throughout Section 705.

First Warden Gaffett reopened the public hearing, a continuation from September 16, 2009. Planner Jane Weidman explained additional language had been drafted to correct an inequity found during the first stage of the hearing. Language would be added to RA dimensional standards in Section 306 (residential A zone requirements) to read:

"Additional Lot Building Coverage Requirements:

"For Building Lots greater than 20,000 square feet and less than 34,000 square feet, the principal structure shall be limited to 1,000 square feet.

"All substandard lots having at least 25,000 square feet of area shall be allowed a total lot building coverage (as applied to all structures on the lot) of at least 1,200 square feet."

Language to add to Section 307 (residential B zone requirements) to read:

"Additional Lot Building Coverage Requirements:

"For Building Lots greater than 8,400 square feet and less than 12,500 square feet, the principal structure shall be limited to 1,000 square feet.

"All substandard lots having at least 10,000 square feet of area shall be allowed a total lot building coverage (as applied to all structures on the lot) of at least 1,200 square feet."

First Warden Gaffett closed the public hearing at 7:20.

First Warden Gaffett moved to adopt the amendment originally advertised for the September 16, 2009 hearing, with the addition of the language introduced tonight, and as a result of changes from information received in the course of the hearing. Motion seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin)    Nays: 0

**1. Receive and act on letter from Concerned Citizens About Lyme Disease re: deer eradication**

Mary Sue Record presented the group's concerns regarding the public health threat of Lyme disease and other tick bourn illnesses on Block Island. The group met for more than a year. They concluded the deer herd must be eliminated to eliminate Lyme disease. Their report is attached to these minutes and is not summarized herein. The group gave the clerk a box of signed petitions, which they said contained 1,068 signatures, more than 800 Block Island from Block Island. A sample is attached to these minutes. Ms. Record said the group is asking the Town Council to support a resolution for the elimination of the deer herd.

In response to questions, representatives of the Citizens Concerned about Lyme Disease made the following comments:

- Their estimate of the size of the deer herd (990 with a possibility of doubling in the next three years) was achieved by statistical analysis
- Deer ticks are vectors for Lyme, babesiosis and ehrlichiosis and need deer to survive
- The group believes nighttime hunting would be safer than daytime hunting because of the organized nature of the activity. The location will be well publicized. The shooters will be using silenced rifles, shooting down on baited targets
- Elimination of the deer will create a safer environment for everyone
- The deer eat plants they formerly ignored, for instance daffodils and hydrangeas, which shows they are malnourished
- Nighttime shooting was used safely to eliminate the deer on Monhegan Island, in Maine, and on Great Island in Massachusetts
- George Mellor said that although White Buffalo estimated they would charge \$1.4 million to kill all the deer on the Island, the group consulted with hunter Kirk Littlefield, who said elimination will cost about \$10,000 per year and will take five to seven years with local hunters shooting at night. BIRA and the CCALD will pay.
- Insecticide dispersal systems to treat tick-infested deer are cost prohibitive and effective only while in active use. The Island would require 119 devices.
- Contraception is was not practical because deer must be captured to receive the medicine

Audience members made the following points:

- John Fournier said a rifled slug from a shotgun will carry over one mile. A slug from a rifle will carry more than three miles. For standing over bait, a shotgun is more than adequate. He finds the group's over estimate of 1,000 deer not even close.
- John Willis opposes nighttime hunting, believes many people who signed the petitions will not be here during hunting season. His chickens eat ticks and he has not had Lyme disease. He is concerned about livestock and pets.
- Karin Carlone is opposed to nighttime shooting. There have been accidents and close calls with regulated daytime hunting. She wants more information. She is concerned about livestock and pets.
- Maggie Komosinski realizes Lyme disease is serious, and supports the goal of elimination of the deer herd, but not by nighttime shooting. She questions whether those signing the petition understood the details of the 'elimination.' Concerned that the nighttime shooting will evolve into a less restricted activity as the deer are reduced and more difficult to find. Opposes the use of rifles because they carry too far.
- Nancy Greenaway believes the group has done an admirable job. She doubts eradication is possible, given the size, terrain and cover of the Island. She has concerns for the hunters who will be killing every living deer, including fawns. She does not believe we have the moral authority to slaughter a species.
- Chris Blane said he believes the group's deer population estimates are too high. He believes the take is down because the number of deer has decreased. With regard to the goal of elimination, he said he finds deer do not cooperate. It takes a lot of effort to take deer. He points out the Island has a feral cat population which acts as a host for deer ticks. (Becky Ballard said adult-stage ticks need a large animal host such as deer or cattle.)
- Heather Sniffen would rather face a disease that can be treated with antibiotics than a bullet wound. She is opposed to nighttime shooting and concerned for livestock and pets.
- Bill Latva suggested weekend hunting and more bowhunting would safely reduce the deer herd.
- Bud Comeau asked whether there is a vaccine for Lyme disease
- Peter Wood finds Lyme disease a serious risk to public health and asks the Council to pass the resolution.
- Mark Emmanuelle believes deer can be eliminated, and now is the time to do it.
- Pat Doyle believes this is a public health issue which needs action.
- Bill Penn, President of the Block Island Residents Association, said the BIRA board voted unanimously to endorse the resolution.
- Jim Hinthorne points out there is no way to eradicate the deer "nicely"
- Bruce Johnson suggested enlisting the support of the RI Department of Health in changing state law to eradicate the deer

Comments comparing Monhegan Island, Maine to Block Island: Monhegan is 900 acres, with most houses concentrated around the harbor and few houses in the remaining area. The deer

population was 250 before they were killed in a three year program of shooting by Maine State Police using silenced rifles over bait. The cost to kill the deer was paid shared between the State of Maine, the County, and the municipality. Block Island is 7,000 acres with more deer and houses distributed all over the island.

Ken Lacoste said an effective reduction of ticks and Lyme disease is possible by reducing the deer herd to eight to ten deer per square mile. He said the DEM estimates we have 275 to 300 deer on the Island. He asked the hunters present what it would take to increase the take each year.

- John Fournier suggested allowing hunting on weekends, he pointed out Prudence Island was closed to hunting because so many deer were killed.
- Chris Blane said weekend hunting would never get local support, and suggested helping hunters find land to hunt, helping with the twelve cents per pound cost of discarding deer entrails at the transfer station, and helping off-Island hunters clean the carcasses, themselves, and their trucks before getting back on the ferry (Sean McGarry said the yard hydrant and hose at the transfer station would be available for hunters)

Dr. Baute moved to support Part I of the resolution, seconded by First Warden Gaffett.

First Warden Gaffett explained that night hunting would require a change in state law. No plan will be approved by the legislature without the support of the DEM. She suggests meeting with the DEM to discuss the situation on the Island, and options, before passing a resolution. She also noted for the record three items of correspondence were received in support of the proposal from Sherry Benedict Bash, Alec Bash and from Whitetail Solutions, LLC.

Mr. Lacoste asked if CCALD looked at breaking the link between ticks and mice.

Councilor Martin said he would like to have the deer herd reduced, but believes the deer cannot be eliminated because of the Island's topography. He also has issues with hunters killing everything in their way. He asked if it would help to print a map of land available for hunting.

New Shoreham Police Chief Vincent Carlone said he has met with several local groups for, and against, the nighttime hunt. He said he has real safety concerns with the concept. For it to be even remotely considered, the situation requires the services of a professional consultant and a feasibility study.

Councilor Baute said the CCALD will carry the ball if the Town Council supports the resolution.

Councilor Lacoste said he understands the public health risk. He will continue to encourage hunting to the maximum, and hopes with effort the take may be increased. He has reservations about ability to eliminate deer from the Island.

Rob Gilpin agreed with Ms. Gaffett that the Council should first contact the DEM because they control the deer as a state-owned resource.

Dr. Baute said Lyme and babesiosis are worse for older people. He suggested approaching the DEM unified behind the proposal by approving the resolution. He said meeting with the DEM could be added to the resolution.

Ms. Gaffett said she is not willing to sign a resolution that says she will take "whatever steps" in the last paragraph: "Therefore the Town Council resolves to take whatever steps it can to stimulate changes in Rhode Island law that will make it possible to mount a program leading to elimination of the local deer herd by safe, regulated hunting."

Mr. Torrey supports the resolution as written.

Councilor Lacoste said he thought it was impossible to eliminate deer, money would be better spent teaching people to avoid ticks.

Baute withdrew his motion, Ms. Gaffett withdrew her second.

After discussion, Mr. Lacoste moved to approve the resolution, changing the last sentence to:

“Therefore the Town Council resolves to take whatever steps it can to develop a program leading to the dramatic reduction or elimination of the deer herd by a safe, regulated hunt.” The motion was seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

The resolution is attached to these minutes.

**Act on authorization to seek Intervener Status re: PUC Docket 4111**

First Warden Gaffett moved to authorize the hiring of Alan Mandl to assist Kathy Merolla to prepare filings for the Town’s interest in PUC Docket 4111; and to authorize our solicitors to prepare a Motion to Intervene on PUC Docket 4111, as they see fit before October 29.

Ayes 4 (Gaffett, Torrey, Baute, Lacoste) Nays: 0 Recuse: 1 (Martin)

- Schedule joint Town Council/Electric Utility Task Group Meeting

The Council and EUTG will meet at 11:30 a.m. Sunday, October 25, 2009.

**Act on presentation/request from Washington County Regional Planning Council re: Energy Services Company (ESCO)**

Washington County Regional Planning Director Jeff Broadhead and Program Director Maura Sayre made a presentation to the Town Council explaining the concept of ESCO’s. Mr. Broadhead explained energy funds are available to the Towns through Federal economic stimulation grants. The WCRPC is preparing 16 separate RFP’s for the grants. 11 are appropriate for regional applications. The Town may choose which RFP’s to participate in.

Dr. Baute moved to pass the two resolutions, seconded by Second Warden Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

The resolutions are attached to these minutes.

**Receive and act on letter from the North Light Commission re: Special Financial Meeting**

Robert Gilpin, Chair of the North Light Commission, was present. He said in the course of the renovation project, the window sashes were discovered to be deteriorated. They need to be replaced, along with vents, for about \$50,000, to make the project weather tight. Ms. Gaffett said she admires and appreciates the work Mr. Gilpin has done, but would prefer to put the funding on the regular Financial Town Meeting in the spring. The Old Harbor shortfall is due to unique issues with the scope of the project and bids, and it needs to be considered by itself. The Finance Director recommends putting it the North Light project on the regular Financial Town Meeting agenda in the spring. Chairman of Harbors Committee, Renwick Tweedy, sent a letter opposing any request to attach extra projects to the Old Harbor Financial Town Meeting. Dr. Baute said the amount is relatively small and will complete the project.

Mr. Martin moved to add the request for \$50,000 for North Light on the Warrant for November 4, 2009 Special Financial Town Meeting. Motion was seconded by Dr. Baute.

Ayes: 3 (Torrey, Baute, Martin) Nays: 2 (Gaffett, Lacoste)

**Boards and Committees:**

- Act on Planning Board appointment

Ms. Gaffett moved to appoint Mary Anderson to the Planning Board, to serve out the term vacated by Mary Newhouse. The motion was seconded by Mr. Martin.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 1 (Lacoste)

- Receive resignation of Mike Meskill as Town Council representative on BI Health Services Board of Directors

Ms. Gaffett recommended taking no action to fill the position prior to acting on annual appointments in December.

Ms. Gaffett moved to accept Mr. Meskill’s resignation with a letter of thanks. Motion seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin)    Nays: 0

**Receive and act on NSPD monthly report: September**

Ms. Gaffett moved to receive the NSPD report for September, 2009, seconded by Mr. Torrey

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin)    Nays: 0

**Set Public Hearing date for amendment to TNS General Ordinances Chapter 19, Utilities  
Article VII Wastewater Management**

Ms. Gaffett moved to set a December 7, 2009 public hearing date for the proposed ordinance, seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin)    Nays: 0

**Approval of Minutes: October 5, 2009 and October 7, 2009**

The minutes of October 5, 2009 were discussed and changes suggested by the Council.

Mr. Lacoste moved to approve the minutes of October 5, 2009 as amended, and of October 7, 2009. Motion seconded by Dr. Baute.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin)    Nays: 0

**Correspondence:**

- Schacht & McElroy re: BIPCo Withdrawal of Appeal/Docket No. 3755

No action was needed or taken.

- Attorney Patrick Dougherty re: Seawinds Certificates of Occupancy

The letter of Patrick J. Dougherty was read into the record, and is attached hereto.

At 11:45, a motion to adjourn was made by Dr. Baute and seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin)    Nays: 0

Minutes approved: November 2, 2009

Fiona Fitzpatrick, Town Clerk